



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2613

#11
W. Lamm
1/23/04

Application No.: 09/421,963
Filed: October 20, 1999
Inventor(s):
Kevin L. Schultz, B. Keith Odom,
Charles Schroeder, and Mike Hall

Examiner: Vo, Tung T.
Group/Art Unit: 2613
Atty. Dkt. No: 5150-36800

Title: Image Acquisition System
and Method for Acquiring
Variable Sized Objects

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

Jeffrey C. Hood

Jeffrey C. Hood
Signature

1/14/2004
Date

RESPONSE TO OFFICE ACTION OF
OCTOBER 1, 2003

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JAN 22 2004
Technology Center 2600

Dear Sir:

This paper is submitted in response to the Office Action of October 1, 2003, to further highlight why the application is in condition for allowance.

Summary of Telephone Interview with the Examiner on January 12, 2004

On January 12, 2004, a telephone interview with Examiner Vo was conducted in which Applicant more clearly explained the distinction between detecting an object via execution of software, e.g., to analyze image data of an object, and physically detecting the object, e.g., through 'physical' means via a sensor. The Examiner agreed that Perry (the cited art) uses software to detect the presence or absence of an object, in contrast to Applicant's system as claimed, where the object's presence or absence is physically detected. The Examiner thus agreed that the rejection based on Perry was overcome.

The arguments against Perry are summarized below.